



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

July 26, 2005

OFFICE OF
SOLID WASTE AND EMERGENCY
RESPONSE

MEMORANDUM

SUBJECT: National Remedy Review Board Recommendations for the Jacksonville Ash Superfund Site

FROM: JoAnn Griffith, Chair
National Remedy Review Board

A handwritten signature in dark ink, appearing to read "JoAnn Griffith", is written over the "FROM:" line.

TO: Winston A. Smith, Director
Waste Management Division

Purpose

The National Remedy Review Board (NRRB) has completed its review of the proposed cleanup action for the Jacksonville Ash Superfund Site in Jacksonville, Florida. This memorandum documents the NRRB's advisory recommendations.

Context for NRRB Review

The Administrator announced the NRRB as one of the October 1995 Superfund Administrative Reforms to help control response costs and promote consistent and cost-effective decisions. The NRRB furthers these goals by providing a cross-regional, management-level, "real time" review of high cost proposed response actions prior to their being issued for public comment. The board reviews all proposed cleanup actions that exceed its cost-based review criteria.

The NRRB evaluates the proposed actions for consistency with the National Oil and Hazardous Substances Pollution Contingency Plan (NCP) and relevant Superfund policy and guidance. It focuses on the nature and complexity of the site; health and environmental risks; the range of alternatives that address site risks; the quality and reasonableness of the cost estimates for alternatives; regional, state/tribal, and other stakeholder opinions on the proposed actions, and any other relevant factors.

Generally, the NRRB makes advisory recommendations to the appropriate regional decision maker. The region will then include these recommendations in the administrative record for the site, typically before it issues the proposed cleanup plan for public comment. While the region is expected to give the board's recommendations substantial weight, other important factors, such as subsequent public comment or technical analyses of response options, may influence the final regional decision. The board expects the regional decision maker to respond in writing to its recommendations within a reasonable period of time, noting in particular how the recommendations influenced the proposed cleanup decision, including any effect on the estimated cost of the action. It is important to remember that the NRRB does not change the Agency's current delegations or alter in any way the public's role in site decisions.

Overview of the Proposed Action

The Jacksonville Ash Superfund Site includes three separate locations of former waste processing and/or disposal facilities operated or used by the City of Jacksonville, Florida. EPA grouped the three locations under one site designation because they have common sources and types of waste and to ensure consistency in the approach to site investigation and cleanup. Included are two former city incinerators at Forest Street and at 5th and Cleveland and a former dump site that is now occupied by Lonnie C. Miller, Sr. Park. The City of Jacksonville operated the Forest Street and 5th & Cleveland municipal incinerators from the 1910s until the 1960s. The incinerator ash was dumped at Lonnie Miller Park and spread around the area of the former incinerators and into some surrounding residential neighborhoods. The estimated extent of ash contamination at all three sites is approximately 170 acres. The main constituents of concern in the incinerator ash are metals such as lead and arsenic and lesser amounts of PAHs and dioxin. The main component of the Proposed Plan is removal of up to two feet of ash contaminated soil (above remedial goals) in the residential areas and removal or cover of ash contaminated soil in industrial areas with institutional controls.

NRRB Advisory Recommendations

The NRRB reviewed the information package describing this proposal and discussed related issues with Randall Chaffins, Joe Afano, and Wes Hardegree on June 8, 2005. Based on this review and discussion, the board offers the following comments:

1. Based on the information currently before the Board, it is not clear that the Florida statute and implementing regulations are an ARAR for the soil contamination at this site.
2. The Region initially defined the outer boundaries of the site based on the presence of lead (above 400 ppm) and incinerator ash. The Board believes that this approach is reasonable. However, during the presentation, the Region indicated that additional sampling would be performed on properties both within and beyond the current site boundaries to characterize arsenic and dioxin levels at the state's request citing the above-mentioned legislation. Much of this sampling would occur on properties which may not pose unacceptable lead-related risks. The Board is concerned that the presence of arsenic and dioxin at the low action level suggested by the state legislation could be due to other

anthropogenic sources. The Board recommends that the Region clarify the technical lines of evidence that will be used to determine whether or not the contamination is related to past disposal practices and limit cleanup to those areas that present an unacceptable risk. The decision documents should describe how these lines of evidence were used to establish the site boundaries

3. The Region further indicated that soil would be removed from those properties where arsenic and/or dioxin levels exceed 1×10^{-6} risk or background, even if the levels are within EPA's acceptable risk range. The Board is concerned about the use of the state legislation to trigger remedial action beyond that necessary to address risks determined to be acceptable by EPA. The Board recommends that the remedy be limited in scope to those actions appropriate under CERCLA.
4. The package presented to the Board listed ash excavation as a remedial action objective (RAO). The decision documents should be clear that the City of Jacksonville will voluntarily excavate all properties containing 25% or more of ash, regardless of the level of contamination. The Board recommends that the decision documents be clear that the RAOs are driven by the risk level of contaminants and not the percentage of ash content.
5. The preferred alternative presented to the Board assumes that shallow excavation, to a maximum of two feet below ground surface, would be performed on all properties where soil is contaminated above the RAOs. For commercial properties within the Forest Street Incinerator area, the volume of soil estimated to require excavation to a two-foot depth is significant relative to the total volume of soil proposed for remediation. The Board recommends that the Region consider other remedial options (e.g., capping in place with institutional controls) to address the risk and achieve the RAOs for these commercial properties.
6. The package presented to the Board was unclear about the depth of excavation necessary to protect human health at residential areas. Data indicates that many of these residential areas have only surficial contamination, yet the preferred alternative assumes a two-foot excavation will be required.

The Board recommends that the decision documents clarify that excavation less than two feet may be sufficient to provide a protective, ARAR-compliant remedy in some areas, and that further sampling and characterization during design should consider the opportunity to reduce the volume of excavated material and the associated cost of remediation.

The decision documents should also recognize that it may not always be feasible to excavate to a two-foot depth due to the presence of structures and trees.

7. The preferred alternative relies on long-term institutional controls in residential areas to be protective. The Board believes that, in some cases, excavation deeper than two feet may be appropriate and reduce the reliance on institutional controls at a large number of

residential properties. For example, based on the contaminated soil volume information provided to the Board for the Forest Street Incinerator and 5th and Cleveland Incinerator areas, an additional 195,000 cubic yards would be excavated under Alternative 4 compared to Alternative 3. The total present worth costs provided on page 95 of the package indicate an increase of approximately \$2 million for this additional excavation volume. Further, the comparative analysis ratings shown for Alternatives 3 and 4 suggest that Alternative 4 may provide better overall protectiveness and long-term permanence, and likely lesser reliance on institutional controls, than Alternative 3. The Board recommends that an additional alternative be considered which combines the Alternative 4 remedial actions for residential properties within the Forest Street Incinerator and 5th and Cleveland Incinerator areas with the Alternative 3 remedial action for Lennie Miller State Park.

8. The cost calculations for the site assume \$40/ton for disposal of the soil and ash from the contaminated areas. During discussions with the Board, the Region indicated that the city plans to use this material at the Duval County Landfill as daily cover. This being the case, the disposal costs as calculated may be significantly overstated.
9. Information presented in the review package indicated that the Region considered some wastes on the site to be principal threats. The NCP (40 CFR Section 300.430(a)(1)(iii)) addresses consideration of treatment for principal threat wastes; the materials submitted to the Board describing the Region's proposed cleanup approach do not appear to do so. The Board recommends that the Region develop a site-specific rationale for identifying principal threat wastes in the context of the NCP and OSWER Directive 9380.3-06FS, "A Guide to Principal Threat and Low Level Threat Wastes." The Region should state in the decision documents for this site whether the remedy is addressing any source materials that constitute principal threat wastes, or low-level threat wastes, or both. Should the Region determine that principal threat wastes are, in fact, present on site, the Region should explain whether treatment is appropriate.

The NRRB appreciates the Region's efforts in working together with the potentially responsible parties, state, and community groups at this site. We request that a draft response to these findings be included with the draft Proposed Plan when it is forwarded to your OSRTI Regional Support Branch for review. The Regional Support Branch will work with both myself and your staff to resolve any remaining issues prior to your release of the Proposed Plan. Once your response is final and made part of the site's Administrative Record, then a copy of this letter and your response will be posted on the NRRB website.

Thank you for your support and the support of your managers and staff in preparing for this review. Please call me at (703) 603-8774 should you have any questions.

cc: M. Cook (OSRTI)
E. Southerland (OSRTI)
S. Bromm (OSRE)
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NRRB members